



31 JAN 2008

24498
THOMSON LICENSING INC.
Patent Operations
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In re Application of :
HÜTTER, Ingo :
U.S. Application No.: 10/542,585 :
PCT No.: PCT/EP03/14931 :
Int. Filing Date: 29 December 2003 :
Priority Date: 23 January 2003 :
Attorney's Docket No.: PD030010 :
For: UPDATING PARAMETERS IN A :
BRIDGED MULTISTANDARD HOME :
NETWORK :

DECISION

This is a decision on the second renewed request to add an inventor in the above-captioned application filed 29 January 2007.

BACKGROUND

On 23 August 2006, a decision dismissing applicants' petition under 37 CFR 1.497(d) was mailed. Applicants failed to satisfy item (3) of 37 CFR 1.497(d). Applicants were given two months to respond.

On 29 January 2007, applicants filed the renewed petition which was accompanied by, *inter alia*, a four-month extension and a document titled "Consent of Assignee."

DISCUSSION

37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 *bis* subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without

deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants submitted a copy of an assignment to Thomson Licensing signed by both inventors in the prior petition. However, applicants failed to provide actual written consent of the assignee. It was also noted that the person granting the consent for the assignee must have the authority to sign for the organization.

In the renewed petition, applicants submitted a "Consent of Assignee." signed by counsel, Catherine A. Ferguson. However, an attorney is not presumed to have authority to sign for a corporation unless the attorney asserts that she has the authority to sign for the corporation. As such, the consent of the assignee cannot be accepted. See MPEP § 324¹.

For this reason, item (3) of 37 CFR 1.497(d) is still not satisfied.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

¹ MPEP § 324 states, in part that "[a] person having a title (administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to have authority to sign the submission on behalf of the assignee). . . The submission may be signed by any person, if the submission sets forth that the person signing is authorized (or empowered) to act on behalf of the assignee, i.e., to sign the submission on behalf of the assignee. 37 CFR 3.73(b)(2)(i).

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Legal Administration.

A handwritten signature in black ink, reading "James Thomson". The signature is written in a cursive style with a large, stylized "J" and "T".

James Thomson
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